

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATILDA JEAN DUFFY,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
VETERAN AFFAIRS,

Defendant.

CASE NO. C11-5945 RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Plaintiff's Motion for Court-Appointed Counsel [Dkt. #8]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

There is no right to counsel in a civil case. The Court may appoint counsel under 28 U.S.C. § 1915(e)(1) in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9<sup>th</sup> Cir. 1986). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the Plaintiff to articulate her claims *pro se*. *Id.*

This is plaintiff's fourth lawsuit before this Court involving many of the same facts. [See C02-1675JCC (voluntarily dismissed); C02-5073RJB (voluntarily dismissed); C02-5440RBL

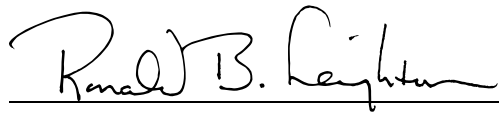
1 (originally settled, dismissed upon attempt to reopen)]. Plaintiff obviously has the ability to  
2 articulate her claims *pro se*. At this stage of the proceeding the Court is unable to evaluate the  
3 likelihood of success on the merits.

4 Plaintiff's Motion for Court-Appoint Counsel is **DENIED**.

5 **IT IS SO ORDERED.**

6 The Clerk shall send uncertified copies of this order to all counsel of record, and to any  
7 party appearing pro se.

8 Dated this 8<sup>th</sup> day of December, 2011.

9  
10 

11 RONALD B. LEIGHTON  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24